

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRISSEL NUNEZ,

Plaintiff,

-v-

JP MORGAN CHASE BANK,

Defendant.

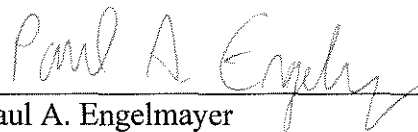
23 Civ. 7569 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 9, 2024, plaintiff Grissel Nunez filed an Amended Complaint. Dkt. 37. This was after the Court granted defendant JP Morgan Chase Bank a short extension to respond to the original Complaint by February 23, 2024. Dkt. 36. Federal Rule of Civil Procedure 15(a)(1) provides that a party may amend its pleading “once as a matter of course no later than: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). Nunez’s Amended Complaint does not fall under either of these categories as it has been more than 21 days since the Complaint was served, and defendant has not yet served a responsive pleading or a motion under Rule 12(b), (e), or (f). As such, Nunez could amend its pleading “only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(2). Nunez has not sought either. The Court will grant leave *nunc pro tunc* and accept the Amended Complaint, which is largely duplicative of the original Complaint. In the future, the Court expects counsel to strictly adhere to the Federal Rules of Civil Procedure.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: February 12, 2024
New York, New York